

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

WILLIE B. TURNER,

Plaintiff

VS.

HALE EDWARD BURNSIDE, *et al.*,

Defendants

NO. 5:06-CV-293 (CAR)

PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE

ORDER

Plaintiff WILLIE B. TURNER originally filed the above-captioned lawsuit *pro se* on August 25, 2006. After granting the plaintiff's motion to proceed *in forma pauperis*, on October 11, 2006, the undersigned issued an Order and Recommendation (Tab #9) which directed service on all named defendants except for defendant OTIS WRIGHT for whom dismissal was recommended. Plaintiff had failed to make specific allegations in his complaint.

On October 30, 2006, attorney McNeill Stokes filed a notice of appearance on behalf of plaintiff TURNER (Tab #12). The following day, Mr. Stokes filed both a objection to the undersigned's October 11th Recommendation (Tab #13) and a motion for leave to file an Amended Complaint (Tab #14). In his Amended Complaint, plaintiff Turner makes specific allegations of impropriety against defendant Wright. Therefore, the undersigned cannot find that the claims against defendant Wright are wholly frivolous. Accordingly, plaintiff's Motion to Amend is GRANTED.

In light of the foregoing, IT IS ORDERED AND DIRECTED that the Recommendation to dismiss defendant Wright be VACATED; that service be made as provided by law upon defendant OTIS WRIGHT; that a WAIVER OF REPLY, an ANSWER or such other response as may be appropriate under Rule 12 of the **FEDERAL RULES OF CIVIL PROCEDURE**, 28 U.S.C. §1915, and the *Prison Litigation Reform Act* be filed herein by said defendant as required and permitted by law; and, that defendant Wright comply with the directions given in the court's order [9] permitting this matter to proceed.

SO ORDERED AND DIRECTED, this 7th day of NOVEMBER, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE